

State legislatures decided were not good law.

The 11th amendment construing the judicial power of the United States overturned such a Supreme Court decision. The 14th amendment granting equal protection under the law in the eyes of both the Federal and State government overturned the Dred Scott decision. The sixteenth amendment, which allowed the Congress to impose an income tax, overturned a decision that said that the Federal income tax violated the constitutional prohibition on not having proportional allocation of taxes among the States.

So when the Supreme Court is wrong, one of the remedies that the Congress and the States have is to amend the Constitution of the United States to correct the errors of the Supreme Court.

Those nine people across the street, in a co-equal branch of government, are entitled deference to their decisions, but they are not infallible, and they do make mistakes. In the case of both the Johnson and the Eichman case, they have made a mistake.

One of the checks and balances that the Framers of the Constitution placed on the judicial branch of government is to authorize the Congress and the States to amend the Constitution of the United States. This should not be done lightly, and it has not been done lightly.

But given the fact that the Supreme Court twice has said that any statute, Federal or State, proposing criminal penalties for the physical desecration of the flag of the United States of America is unconstitutional, the only alternative we have as a nation is for us today, by a two-thirds vote, to approve this amendment for the other body to follow suit and three-quarters of the States to ratify this amendment.

Today we have an opportunity to correct a wrong of the Supreme Court. The House should do the right thing, Mr. Speaker, and pass this constitutional amendment.

Mr. GEPHARDT. Mr. Speaker, I would like to express my support in protecting the sanctity of our Nation's greatest symbol of freedom and liberty: the American flag. Regretfully, prior obligations to my constituents in St. Louis keep me from being present to debate this bill on the floor. I therefore submit this statement for the record.

In 1989, the U.S. Supreme Court struck down a Texas statute that provided criminal sanctions for the burning of an American flag. In a 5-4 decision, the Court provided that the desecration of the flag was an act of free expression, a freedom protected under the first amendment of our Constitution.

On behalf of all the men and women who fought and died for this nation, for their families, and for all Americans, I join my colleagues in supporting H.J. Res. 36, the Flag Protection Constitutional Amendment. My support of this amendment is consistent with my votes cast in favor of past successful attempts in the House of Representatives to protect this American treasure.

I often meet with the many veterans from my district, those who served our Nation cou-

rageously in World War II, Korea, and Vietnam. To them, the flag symbolizes their struggle and triumph, flying as a constant reminder of their bravery and our gratitude. I believe the desecration of our flag jeopardizes that symbolic value, and undermines the courage that we must forever salute.

I support this amendment not as a Republican or Democrat, but as an American. I call on all members, from both sides of the aisle, to join together in a bipartisan fashion to support this amendment and keep the symbol of our American dream alive.

Mr. BLUMENAUER. Mr. Speaker, the purpose of our constitution should be to establish the structure of government and to protect the fundamental rights of citizens. We have amended the constitution only 17 times since the establishment of the Bill of Rights in 1791. The proposed amendment is not a fundamental right or an alteration of the structure of government. Abandoning that principle leads us to a slippery slope, which potentially cheapens the process of amendments and could weaken the constitutional framework.

I also oppose this amendment because of the same reasons some of my friends support it: because I respect the flag of the United States of America. I find it abhorrent, distasteful, and sad when it is desecrated. Since I've been in Congress, to my knowledge, there has not been a single flag burning in my community, and probably in my whole state. Certainly no one has brought it to my attention. I will guarantee you the second we raise the act of expression of political protest by burning the flag to status of a crime, we will have explosion of instances where in fact the flag is burned. Perversely, the reaction to this amendment would lead to what supporters want to avoid, the desecration of the American flag.

Because its not needed, because it's contrary to the principles of the Constitutional action, and because, sadly, it would encourage desecration of our flag, I oppose the amendment and urge my colleagues to do likewise.

Mr. BARCIA. Mr. Speaker, once again, I rise today in support of the Constitutional Amendment prohibiting the physical desecration of the flag. I believe our Nation's flag is the centerpiece of our Nation's sovereignty and a symbol that separates the United States from other nations. It is important to remember the ideals our flag represents—freedom, democracy, and national pride. And one must also remember the men and women, who loved the freedom and liberty the flag represents so much, they were willing to risk their lives defending it and the values it embodies.

I am proud to once again to be an original cosponsor of this legislation to amend the Constitution to prohibit the desecration of the flag—which the brave men and women of our armed forces have repeatedly fought to defend. All too often desecration of the flag is used as a vehicle to voice differing opinions between American citizens and our government. Our brothers, fathers, sisters and mothers fought and died for our flag in the name of free speech. I believe the right to deface that symbol of freedom is not what they were fighting to protect. Let our nation be unified in the fact that there are some things too important to defile, too important to sully, and chief among them is our flag.

From the hands of Betsy Ross, through the eyes of Francis Scott Key during the bombard-

ment of Fort McHenry, to the raising at Iwo Jima, our flag has represented the hopes and beliefs of generations of Americans. It symbolizes resolve. It symbolizes freedom. It symbolizes democracy. It symbolizes America, and it deserves to be protected.

Mr. Speaker, I urge my colleagues to support this Constitutional Amendment.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in support of House Joint Resolution 36, legislation I have cosponsored to amend the Constitution of the United States to authorize Congress to prohibit the physical desecration of the flag of the United States.

Ol' Glory has served to remind American citizens of our soldiers who fought for freedom, liberty, and democracy here on our own shores and throughout the world since the Continental Congress adopted the Flag Resolution of 1777. The very sight of the American flag flying high has the ability to rouse unparalleled pride and patriotism not only in the people of the United States of America but in freedom loving people throughout the world. Countless men and women have put the good of our country ahead of their own lives to protect the sanctity of liberty and democracy, which our flag represents. We must never allow ourselves to forget that the flag that flies here in this chamber, above this great building, and throughout our nation is a reminder of the enduring values for which these American service men and women fought and may have died.

Not only does our great flag symbolize the tireless struggle of our armed services for democracy both here and abroad, but it also serves as a bright beacon of hope to oppressed people throughout the world who dream of living under a democratic government as great and as resilient as our own. The American flag flies for all Americans, regardless of race, creed, or religion. It is a symbol of the American dream, of honor, justice, and equality. The flag is a commitment to our children and grandchildren that they will have the same freedoms, liberties, and opportunities that we have. The Stars and Stripes inspires pride in the accomplishments of our noble country, and it should be regarded with respect and admiration for the important role it plays in the lives of Americans. When the desecration of Ol' Glory is used as a protest, far more than a single flag is being violated. The devotion of American citizens to our great nation is being battered. Many Americans have died defending our flag and what it represents.

Mr. Speaker, may the American flag forever soar proudly above our glorious nation. May it always be a source of courage and inspiration for those who carry it into battle, a symbol of hope for the downtrodden of foreign lands, and a reminder that we are the land of the free only because we are the home of the brave.

Mr. SWEENEY. Mr. Speaker, I rise today in support of House Joint Resolution 36—The Flag Protection Constitutional Amendment.

In doing so, I rise to defend and protect the very symbol of our nation's unyielding promise of hope and opportunity.

I rise to defend the memory of countless Americans, both men and women, who sacrificed their lives fighting for their country in time of war so that the values and ideals represented by our nation's symbol could be protected.